

ORDINANCE NO. 21-06

**AN ORDINANCE APPROVING THE DESCRIPTION AND SURVEY OF LANDS NECESSARY FOR THE PURPOSE OF REPLACING EXISTING CULVERTS WITH BRIDGES, RECONSTRUCTION OF PAVEMENT, CHANNEL DEEPENING AND WIDENING, RETAINING WALLS, AND STORM SEWER IMPROVEMENTS FOR THE MILL CREEK PRAIRIE TO CEDAR PHASE 1 STORMWATER PROJECT NO. 2-C-030-18, AND PROCEEDING TO ACQUIRE CERTAIN REAL PROPERTY AS AUTHORIZED IN RESOLUTION NO. 20-1012, PASSED AND APPROVED BY THE GOVERNING BODY ON JANUARY 19, 2021.**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OLATHE, KANSAS:**

**SECTION ONE:** The description and survey of lands necessary to acquire street right-of way, permanent sanitary sewer easements, permanent drainage easements, and temporary construction easements in Olathe, Kansas for the purpose of replacing existing culverts with bridges, reconstruction of pavement, channel deepening and widening, retaining walls, and storm sewer improvements for the Mill Creek Prairie to Cedar Phase 1 Stormwater Project No. 2-C-030-18, as prepared by the City Engineer or designee and filed with the City Clerk pursuant to Resolution No. 21-1012, adopted by the Governing Body of the City of Olathe, Kansas, on January 19, 2021 is hereby approved.

**SECTION TWO:** The action of the Governing Body of the City of Olathe, Kansas, in acquiring street right-of way, permanent sanitary sewer easements, permanent drainage easements, and temporary construction easements for the purpose of replacing existing culverts with bridges, reconstruction of pavement, channel deepening and widening, retaining walls, and storm sewer improvements for the Mill Creek Prairie to Cedar Phase 1 Stormwater Project No. 2-C-030-18 has been declared necessary by the Governing Body.

**SECTION THREE:** The acquisition of street right-of way, permanent sanitary sewer easements, permanent drainage easements, and temporary construction easements for the purpose of replacing existing culverts with bridges, reconstruction of pavement, channel deepening and widening, retaining walls, and storm sewer improvements for the Mill Creek Prairie to Cedar Phase 1 Stormwater Project No. 2-C-030-18, is all in accordance with and under the provisions of Chapter 26 of the Kansas Statutes Annotated.

**SECTION FOUR:** That there is hereby declared to be public necessity to acquire by Eminent Domain Proceedings for the purpose of the purpose of replacing existing culverts with bridges, reconstruction of pavement, channel deepening and widening, retaining walls, and storm sewer improvements for the Mill Creek Prairie to Cedar Phase 1 Stormwater Project, No. 2-C-030-18, the land hereinafter described:

**MILL CREEK PRAIRIE TO CEDAR PHASE 1 STORMWATER PROJECT NO.**

**2-C-030-18 – TRACT NO. 11**

**OWNERSHIP:** Clark H. Davis and Jaye N. Davis

**PARTIES IN POSSESSION:** Clark H. Davis – Attorney at Law  
Adams Cross, LLC  
Duma Law Offices, LLC

**SITUS ADDRESS:** 303 E Poplar St Olathe, KS 66061

**JOHNSON COUNTY PARCEL ID NUMBER:** DP52000033 0007

**LIENHOLDER:** None

**EASEMENT HOLDER:** City of Olathe

**PERMANENT DRAINAGE EASEMENT DESCRIPTION**

All that part of Lots 8 and 9, Block 33, TOWN OF OLATHE, a recorded subdivision in the Johnson County Register of Deeds Office, in Book 1, at Page 1, lying in the Southeast Quarter of Section 26, Township 13 South, Range 23 East, of the Sixth Principle Meridian in the City of Olathe, described by Kenneth J. Dedrick, PS-1067, on this 16th Day of November 2020 as follows:

Commencing at the Northwest corner of said Lot 9; thence North 87°51'49" East (this and all following bearings are based on the Kansas State Plane System, North Zone 1983) on the North line of said Lot 9, a distance of 18.00 feet to the POINT OF BEGINNING; thence continuing North 87°51'49" East on said North line and the North line of said Lot 8, a distance of 14.00 feet to a point; thence South 08°51'48" West, a distance of 14.50 feet to a point; thence South 02°16'14" East on a line 29.20 feet East of and parallel with the West line of said Lot 9, a distance of 50.00 feet to a point; thence South 14°42'55" East, a distance of 22.27 feet to a point; thence South 02°16'14" East on a line 34.00 feet East of and parallel with said West line, a distance of 42.99 feet to a point on the South line of said Lot 8; thence South 87°52'18" West on the South line of said Lots 8 and 9, a distance of 16.00 feet to a point; thence North 02°16'14" West 18.00 feet East of and parallel with said West line, a distance of 128.96 feet to the Point of Beginning.

The above description was created with the benefit of ground survey performed June 9, 2020 (KVE project C19S0272) and contains 1,723 square feet or 0.040 acres more or less.

**PERMANENT SANITARY SEWER EASEMENT DESCRIPTION**

## ATTACHMENT B

All that part of Lot 8, Block 33, TOWN OF OLATHE, a recorded subdivision in the Johnson County Register of Deeds Office, in Book 1, at Page 1, lying in the Southeast Quarter of Section 26, Township 13 South, Range 23 East, of the Sixth Principle Meridian in the City of Olathe, described by Kenneth J. Dedrick, PS-1067, on this 8th Day of July 2020 as follows:

**BEGINNING** at the Northwest corner of said Lot 8; thence North 87°51'49" East (this and all following bearings are based on the Kansas State Plane System, North Zone 1983) on the North line of said Lot 8, a distance of 20.36 feet to a point; thence South 56°34'41" West, a distance of 23.79 feet to a point on the West line of said Lot 8; thence North 02°15'14" West on said West line, a distance of 12.36 feet to the **Point of Beginning**.

The above description was created with the benefit of ground survey performed June 9, 2020 (KVE project C19S0272) and contains 126 square feet or 0.003 acres more or less.

### TEMPORARY CONSTRUCTION EASEMENT DESCRIPTION

All that part of Lots 6 through 9 Block 33, TOWN OF OLATHE, a recorded subdivision in the Johnson County Register of Deeds Office, in Book 1, at Page 1, lying in the Southeast Quarter of Section 26, Township 13 South, Range 23 East, of the Sixth Principle Meridian in the City of Olathe, described by Kenneth J. Dedrick, PS-1067, on this 16th Day of November 2020 as follows:

**Commencing** at the Northwest corner of said Lot 8; thence North 87°51'49" East (this and all following bearings are based on the Kansas State Plane System, North Zone 1983) on the North line of said Lot 8, a distance of 20.36 feet to the **POINT OF BEGINNING**; thence continuing North 87°51'49" East on the North line of said Lots 6, 7 and 8, a distance of 51.18 feet to a point on the West line of MILL CREEK PLAZA OFFICE CONDOMINIUMS, a recorded subdivision in said Register of Deeds Office, in Book 51, at Page 18; thence South 02°13'14" East (South 00°06'33" East plat), a distance of 10.00 feet to a point; thence South 87°51'49" West 10.00 feet South of and parallel with said North line, a distance of 7.07 feet to a point; thence North 02°08'11" West, a distance of 6.00 feet to a point; thence South 87°51'49" West 4.00 feet South of and parallel with said North line, a distance of 43.00 feet to a point; thence South 59°58'20" West, a distance of 20.61 feet to a point; thence South 02°16'14" East 34.00 feet East of and parallel with the West line of said Lot 9, a distance of 54.36 feet to a point; thence South 17°48'46" East, a distance of 18.66 feet to a point; thence South 02°16'14" East 39.00 feet East of and parallel with said West line, a distance of 43.00 feet to a point on the South line of said Lot 8; thence South 87°52'18" West on said South line, a distance of 5.00 feet to a point; thence North 02°16'14" West 34.00 feet East of and parallel with said West line, a distance of 42.99 feet to a point; thence North 14°42'55" West, a distance of 22.27 feet to a point; thence North 02°16'14" West 29.20 feet East of and parallel with said West line, a distance of 50.00 feet to a point; thence

## ATTACHMENT B

North  $37^{\circ}32'10''$  East, a distance of 2.44 feet to a point; thence North  $56^{\circ}34'41''$  East a distance of 23.79 feet to the **Point of Beginning**.

The above description was created with the benefit of ground survey performed June 9, 2020 (KVE project C19S0272) and contains 877 square feet or 0.020 acres more or less.

MILL CREEK PRAIRIE TO CEDAR PHASE 1 STORMWATER PROJECT NO.

2-C-030-18 – TRACT NO. 22

**OWNERSHIP:** The Willy Company, LLC

**PARTIES IN POSSESSION:** Paul Willy and any unknown lessees

**SITUS ADDRESS:** 318 E Spruce St Olathe, KS 66061

**JOHNSON COUNTY PARCEL ID NUMBER:** DP52000017 0014

**LIENHOLDER:** None

**EASEMENT HOLDER:** City of Olathe

**TEMPORARY CONSTRUCTION EASEMENT DESCRIPTION**

All that part of Lot 14, Block 17, TOWN OF OLATHE, a recorded subdivision in the Johnson County Register of Deeds Office, in Book 1, at Page 1, lying in the Southeast Quarter of Section 26, Township 13 South, Range 23 East, of the Sixth Principle Meridian in the City of Olathe, described by Kenneth J. Dedrick, PS-1067, on this 9th Day of July 2020 as follows:

**BEGINNING** at the Southwest corner of said Lot 14; thence North 01°59'43" West (this and all following bearings are based on the Kansas State Plane System, North Zone 1983) on the West line of said Lot 14, a distance of 5.00 feet to a point; thence North 87°49'21" East on a line 5.00 feet North of and parallel with the South line of said Lot 14, a distance of 14.98 feet to a point; thence South 02°10'39" East, a distance of 5.00 feet to a point on said South line; thence South 87°49'21" West on said South line, a distance of 15.00 feet to the **Point of Beginning**.

The above description was created with the benefit of ground survey performed June 9, 2020 (KVE project C19S0272) and contains 75 square feet or 0.002 acres more or less.

**MILL CREEK PRAIRIE TO CEDAR PHASE 1 STORMWATER PROJECT NO.**

**2-C-030-18 – TRACT NO. 26**

**OWNERSHIP:** Charles Lester Huggins, Jr. and Diana R. Huggins, husband and wife

**PARTIES IN POSSESSION:** Charles Lester Huggins, Jr. and Diana R. Huggins, and any unknown lessees

**SITUS ADDRESS:** 220 E Spruce St Olathe, KS 66061

**JOHNSON COUNTY PARCEL ID NUMBER:** DP52000018 0012

**LIENHOLDER:** Fairway Independent Mortgage Corporation,

**EASEMENT HOLDER:** City of Olathe

**PERMANENT DRAINAGE EASEMENT DESCRIPTION**

All that part of Lot 12, Block 18, TOWN OF OLATHE, a recorded subdivision in the Johnson County Register of Deeds Office, in Book 1, at Page 1, lying in the Southeast Quarter of Section 26, Township 13 South, Range 23 East, of the Sixth Principle Meridian in the City of Olathe, described by Kenneth J. Dedrick, PS-1067, on this 31st Day of August 2020 as follows:

**BEGINNING** at the Southeast corner of said Lot 12; thence South 87°45'13" West (this and all following bearings are based on the Kansas State Plane System, North Zone 1983) on the South line of said Lot 12, a distance of 15.00 feet to a point; thence North 01°54'41" West on a line 15.00 feet West of and parallel with the East line of said Lot 12, a distance of 83.57 feet to a point; thence South 88°05'19" West, a distance of 20.00 feet to a point; thence North 01°54'41" West on a line 35.00 feet West of and parallel with said East line, a distance of 59.85 feet to a point on the North line of said Lot 12; thence North 87°50'38" East on said North line, a distance of 35.00 feet to the Northeast corner of said Lot 12 thence South 01°54'41" East on said East line, a distance of 143.48 feet to the **Point of Beginning**.

The above description was created with the benefit of ground survey performed June 9, 2020 (KVE project C19S0272) and contains 3,350 square feet or 0.077 acres more or less.

**TEMPORARY CONSTRUCTION EASEMENT DESCRIPTION**

All that part of Lots 12 and 13, Block 18, TOWN OF OLATHE, a recorded subdivision in the Johnson County Register of Deeds Office, in Book 1, at Page 1, lying in the Southeast Quarter of Section 26, Township 13 South, Range 23 East, of the Sixth Principle Meridian in the City of Olathe, Johnson County, Kansas, described by Kenneth J. Dedrick, PS-1067, on this 31st Day of August 2020 as follows:

Commencing at the Southeast corner of said Lot 12; thence South  $87^{\circ}45'13''$  West (this and all following bearings are based on the Kansas State Plane System, North Zone 1983) on the South line of said Lot 12, a distance of 15.00 feet to the POINT OF BEGINNING; thence continuing South  $87^{\circ}45'13''$  West on said South line, a distance of 47.90 feet to a point; thence North  $25^{\circ}02'08''$  East, a distance of 17.85 feet to a point; thence North  $87^{\circ}11'42''$  East, a distance of 22.90 feet to a point; thence North  $03^{\circ}10'07''$  West a distance of 26.21 feet to a point; thence South  $86^{\circ}50'14''$  West, a distance of 13.15 feet to a point; thence North  $03^{\circ}24'19''$  West, a distance of 38.90 feet to a point of curvature; thence Northwesterly on a non-tangent curve to the left, having an initial tangent bearing of North  $38^{\circ}31'42''$  West, a radius of 56.71 feet, a delta angle of  $47^{\circ}41'19''$ , and an arc length of 47.20 feet to a point; thence North  $86^{\circ}13'01''$  West, a distance of 9.38 feet to a point; thence North  $03^{\circ}46'59''$  East, a distance of 21.44 feet to a point of curvature; thence Easterly and Southeasterly on a non-tangent curve to the right, having an initial tangent bearing of North  $86^{\circ}56'20''$  East, a radius of 78.71, a delta angle of  $47^{\circ}43'36''$ , and an arc length of 65.56 feet to a point; thence South  $01^{\circ}54'41''$  East on a line 35.00 feet West of and parallel with the East line of said Lot 12, a distance of 17.51 feet to a point; thence North  $88^{\circ}05'19''$  East, a distance of 20.00 feet to a point; thence South  $01^{\circ}54'41''$  East on a line 15.00 feet West of and parallel with said East line, a distance of 83.57 feet to the Point of Beginning.

The above description was created with the benefit of ground survey performed June 9, 2020 (KVE project C19S0272) and contains 3,871 square feet or 0.089 acres more or less.

**MILL CREEK PRAIRIE TO CEDAR PHASE 1 STORMWATER PROJECT NO.**

**2-C-030-18 – TRACT NO. 43**

**OWNERSHIP:** Paul D. Hayworth and A.J. Lang, III

**PARTIES IN POSSESSION:** Paul D. Hayworth and A.J. Lang, III, and any unknown lessees

**SITUS ADDRESS:** None

**JOHNSON COUNTY PARCEL ID NUMBER:** DP52000020 0001

**LIENHOLDER:** None

**EASEMENT HOLDER:** City of Olathe

**TEMPORARY CONSTRUCTION EASEMENT DESCRIPTION**

All that part of Lot 1, Block 20, TOWN OF OLATHE, a recorded subdivision in the Johnson County Register of Deeds Office, in Book 1, at Page 1, lying in the Southeast Quarter of Section 26, Township 13 South, Range 23 East, of the Sixth Principle Meridian in the City of Olathe, described by Kenneth J. Dedrick, PS-1067, on this 17th Day of July 2020 as follows:

The East 5.00 feet of said Lot 1.

The above description was created with the benefit of ground survey performed June 9, 2020 (KVE project C19S0272) and contains 646 square feet or 0.015 acres more or less.

**MILL CREEK PRAIRIE TO CEDAR PHASE 1 STORMWATER PROJECT NO.**

**2-C-030-18 – TRACT NO. 48**

**OWNERSHIP:** Judith K. Longman

**PARTIES IN POSSESSION:** Judith K. Longman, and any unknown lessees

**SITUS ADDRESS:** 104 W Prairie St Olathe, KS 66061

**JOHNSON COUNTY PARCEL ID NUMBER:** DP52000013 0027

**LIENHOLDER:** Treasurer of Johnson County, Kansas

**EASEMENT HOLDER:** City of Olathe

**TEMPORARY CONSTRUCTION EASEMENT DESCRIPTION**

All that part of Lot 30, Block 13, TOWN OF OLATHE, a recorded subdivision in the Johnson County Register of Deeds Office, in Book 1, at Page 1, lying in the Southeast Quarter of Section 26, Township 13 South, Range 23 East, of the Sixth Principle Meridian in the City of Olathe, described by Kenneth J. Dedrick, PS-1067, on this 17th Day of July 2020 as follows:

The East 5.00 feet of said Lot 30.

The above description was created with the benefit of ground survey performed June 9, 2020 (KVE project C19S0272) and contains 645 square feet or 0.015 acres more or less.

**MILL CREEK PRAIRIE TO CEDAR PHASE 1 STORMWATER PROJECT NO.**

**2-C-030-18 – TRACT NO. 49**

**OWNERSHIP:** Daniel Patrick Holcomb

**PARTIES IN POSSESSION:** Daniel Patrick Holcomb, and any unknown lessees

**SITUS ADDRESS:** 515 N Cherry St Olathe, KS 66061

**JOHNSON COUNTY PARCEL ID NUMBER:** DP52000013 0019

**LIENHOLDER:** Treasurer of Johnson County, Kansas

**EASEMENT HOLDER:** City of Olathe

**TEMPORARY CONSTRUCTION EASEMENT DESCRIPTION**

All that part of Lots 19 and 20, Block 13, TOWN OF OLATHE, a recorded subdivision in the Johnson County Register of Deeds Office, in Book 1, at Page 1, lying in the Southeast Quarter of Section 26, Township 13 South, Range 23 East, of the Sixth Principle Meridian in the City of Olathe, described by Kenneth J. Dedrick, PS-1067, on this 17th Day of July 2020 as follows:

The East 5.00 feet of said Lots 19 and 20.

Except the North 6.5 feet of said Lot 19 as described in a Kansas Quit-Claim Deed filed in Volume 2808, at Page 975 in said Register of Deeds Office.

The above description was created with the benefit of ground survey performed June 9, 2020 (KVE project C19S0272) and contains 271 square feet or 0.006 acres more or less.

**MILL CREEK PRAIRIE TO CEDAR PHASE 1 STORMWATER PROJECT NO.**

**2-C-030-18 – TRACT NO. 51**

**OWNERSHIP:** Allstate Roofing A Limited Partnership

**PARTIES IN POSSESSION:** Allstate Roofing, and any unknown lessees

**SITUS ADDRESS:** None

**JOHNSON COUNTY PARCEL ID NUMBER:** DP52000013 0011

**LIENHOLDER:** Treasurer of Johnson County, Kansas  
Kansas Department of Revenue

**EASEMENT HOLDER:** City of Olathe

**PUBLIC STREET DEDICATION DESCRIPTION**

All that part of Lot 11, Block 13, TOWN OF OLATHE, a recorded subdivision in the Johnson County Register of Deeds Office, in Book 1, at Page 1, lying in the Southeast Quarter of Section 26, Township 13 South, Range 23 East, of the Sixth Principle Meridian in the City of Olathe, described by Kenneth J. Dedrick, PS-1067, on this 31st Day of August 2020 as follows:

**BEGINNING** at the Southeast corner of said Lot 11; thence South 87°53'56" West (this and all following bearings are based on the Kansas State Plane System, North Zone 1983) on the South line of said Lot 11, a distance of 59.95 feet to a point of curvature; thence Northerly on a non-tangent curve to the right, having an initial tangent bearing of North 23°59'12" West, a radius of 55.00 feet, a delta angle of 32°11'26" and an arc length of 30.90 feet to a point on the North line of said Lot 11; thence North 87°53'45" East on said North line, a distance of 63.00 feet to the Northeast corner of said Lot 11; thence South 02°09'21" East on the East line of said Lot 11, a distance of 30.34 feet to the **Point of Beginning**.

The above description was created with the benefit of ground survey performed June 9, 2020 (KVE project C19S0272) and contains 1,909 square feet or 0.044 acres more or less.

**TEMPORARY CONSTRUCTION EASEMENT DESCRIPTION**

All that part of Lot 11, Block 13, TOWN OF OLATHE, a recorded subdivision in the Johnson County Register of Deeds Office, in Book 1, at Page 1, lying in the Southeast Quarter of Section 26, Township 13 South, Range 23 East, of the Sixth Principle Meridian

## ATTACHMENT B

in the City of Olathe, described by Kenneth J. Dedrick, PS-1067, on this 31st Day of August 2020 as follows:

**Commencing** at the Southeast corner of said Lot 11; thence South  $87^{\circ}53'56''$  West (this and all following bearings are based on the Kansas State Plane System, North Zone 1983) on the South line of said Lot 11, a distance of 59.95 feet to the **POINT OF BEGINNING**; thence continuing South  $87^{\circ}53'56''$  West on said South line, a distance of 5.35 feet to a point of curvature being 65.30 feet West of said Southeast corner; thence Northerly on a non-tangent curve to the right, having an initial tangent bearing of North  $22^{\circ}04'52''$  West, a radius of 60.00 feet, a delta angle of  $13^{\circ}07'30''$  and an arc length of 13.74 feet to a point; thence North  $85^{\circ}41'56''$  West, a distance of 62.74 feet to a point on the West line of said Lot 11; thence North  $02^{\circ}07'45''$  West on said West line, a distance of 10.00 feet to the Northwest corner of said Lot 11; thence North  $87^{\circ}53'45''$  East on the North line of said Lot 11, a distance of 67.81 feet to a point of curvature being 63.00 feet West of the Northeast corner of said Lot 11; thence Southerly on a non-tangent curve to the left, having an initial tangent bearing of South  $08^{\circ}12'14''$  West, a radius of 55.00 feet, a delta angle of  $32^{\circ}11'26''$  and an arc length of 30.90 feet to the **Point of Beginning**.

The above description was created with the benefit of ground survey performed June 9, 2020 (KVE project C19S0272) and contains 992 square feet or 0.023 acres more or less.

**MILL CREEK PRAIRIE TO CEDAR PHASE 1 STORMWATER PROJECT NO.**

**2-C-030-18 – TRACT NO. 52**

**OWNERSHIP:** Allstate Roofing A Limited Partnership

**PARTIES IN POSSESSION:** Allstate Roofing, and any unknown lessees

**SITUS ADDRESS:** 537 N Cherry St Olathe, KS 66061

**JOHNSON COUNTY PARCEL ID NUMBER:** DP52000013 0001

**LIENHOLDER:** OakStar Bank  
Treasurer of Johnson County, Kansas  
Kansas Department of Revenue

**EASEMENT HOLDER:** City of Olathe

**PUBLIC STREET DEDICATION DESCRIPTION**

All that part of Lots 1 and 2, Block 13, TOWN OF OLATHE, a recorded subdivision in the Johnson County Register of Deeds Office, in Book 1, at Page 1, lying in the Southeast Quarter of Section 26, Township 13 South, Range 23 East, of the Sixth Principle Meridian in the City of Olathe, described by Kenneth J. Dedrick, PS-1067, on this 31st Day of August 2020 as follows:

**BEGINNING** at the Southeast corner of said Lot 1; thence South 87°53'45" West (this and all following bearings are based on the Kansas State Plane System, North Zone 1983) on the South lines of said Lot 1 and 2, a distance of 57.69 feet to a point of curvature; thence Northeasterly on a non-tangent curve to the right, having an initial tangent bearing of North 25°19'55" East, a radius of 55.00 feet, a delta angle of 49°26'23" and an arc length of 47.46 feet to a point; thence North 02°09'21" West, a distance of 100.67 feet to a point on the North line of said Lot 1; thence North 87°52'57" East on said North line, a distance of 6.34 feet to the Westerly corner of an existing Permanent Street Dedication as described in Book 201307, at Page 008561, as filed in said Register of Deeds Office, said point being 15.00 feet West of the Northeast corner of said Lot 1; thence South 47°08'12" East (South 47°06'18" East record) on the Southwesterly line of said existing Permanent Street Dedication, a distance of 21.22 feet to a point on the East line of said Lot 1 said point being 15.00 feet South of said Northeast corner; thence South 02°09'21" East on said East line, a distance of 113.90 feet to the **Point of Beginning**.

The above description was created with the benefit of ground survey performed June 9, 2020 (KVE project C19S0272) and contains 3,307 square feet or 0.076 acres more or less.

**TEMPORARY CONSTRUCTION EASEMENT DESCRIPTION**

All that part of Lots 1 through 5, Block 13, TOWN OF OLATHE, a recorded subdivision in the Johnson County Register of Deeds Office, in Book 1, at Page 1, lying in the Southeast Quarter of Section 26, Township 13 South, Range 23 East, of the Sixth Principle Meridian in the City of Olathe, described by Kenneth J. Dedrick, PS-1067, on this 31st Day of August 2020 as follows:

Commencing at the Southeast corner of said Lot 1; thence South 87°53'45" West (this and all following bearings are based on the Kansas State Plane System, North Zone 1983) on the South lines of Lots 1 and 2, a distance of 57.69 feet to the POINT OF BEGINNING; thence continuing South 87°53'45" West on the South lines of Lots 2 through 5, a distance of 73.13 feet to a point; thence North 02°06'15" West, a distance of 19.00 feet to a point; thence North 87°53'45" East on a line 19.00 feet North of and parallel with said South lines, a distance of 89.40 feet to a point of curvature; thence Southwesterly on a non-tangent curve to the left, having an initial tangent bearing of South 51°37'25" West, a radius of 55.00 feet, a delta angle of 26°17'30" and an arc length of 25.24' to the Point of Beginning. Contains 1,520 square feet or 0.035 acres more or less.

Also,

Commencing at the Southeast corner of said Lot 1; thence South 87°53'45" West on the South lines of Lots 1 and 2, a distance of 57.69 feet to a point; thence Northeasterly on a non-tangent curve to the right, having an initial tangent bearing of North 25°19'55" East, a radius of 55.00 feet, a delta angle of 32°35'03" and an arc length of 31.28 feet to the POINT OF BEGINNING. thence North 02°09'21" West on a line 36.34 feet West of and parallel with the East line of said Lot 1, a distance of 30.00 feet to a point; thence North 87°53'45" East on a line 52.30 feet North of and parallel with said South line, a distance of 15.00 feet to a point; thence South 02°09'21" East on a line 21.34 feet West of and parallel with said East line, a distance of 24.08 feet to a point of curvature; thence Southwesterly on a non-tangent curve to the left, having an initial tangent bearing of South 74°46'18" West, a radius of 55.00 feet, a delta angle of 16°51'20" and an arc length of 16.18 feet to the Point of Beginning. Contains 399 square feet or 0.009 acres more or less.

The above description was created with the benefit of ground survey performed June 9, 2020 (KVE project C19S0272) and contains a gross area of 1,919 square feet or 0.044 acres more or less.

**ATTACHMENT B**

**SECTION FIVE:** The City Attorney for the City of Olathe, Kansas, is hereby directed, authorized and instructed to make proper application to a Judge of the District Court of Johnson County, Kansas, for the acquisition of property for the purpose of replacing existing culverts with bridges, reconstruction of pavement, channel deepening and widening, retaining walls, and storm sewer improvements for the Mill Creek Prairie to Cedar Phase 1 Stormwater Project, No. 2-C-030-18, praying for condemnation thereof and the appointment of three disinterested residents of the county to assess, determine the damages and compensation resulting from such condemnation and for such other proceedings as may be required by law.

**SECTION SIX:** The City Treasurer is hereby authorized to pay the Clerk of the District Court the sum of the eminent domain award as determined by the court-appointed appraisers, including such appraisers' fees.

**SECTION SEVEN:** This Ordinance shall take effect and be in force from and after its passage and publication as provided by law.

**PASSED** by the Governing Body this 19<sup>th</sup> day of January 2021.

**SIGNED** by the Mayor this 19<sup>th</sup> day of January 2021.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

(SEAL)

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

Publish one time and return one Proof of Publication to the City Clerk, one to Public Works, and one to the City Attorney.